

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RODNEY DOWNIE

PLAINTIFF,

VS.

**JIMMY FALCO d/b/a
TRANSLINK MOTOR
EXPRESS, Inc.**

DEFENDANT.

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*** CASE NO.: 2:06-CV-313-WHA**

**ANSWER TO MOTION FOR
SUMMARY JUDGMENT**

Comes now the Plaintiff Rodney Downie, through his counsel and answers the Defendant's Motion for Summary Judgment as follows:

A) Plaintiff cannot in good faith refute those facts adduced by Defendant on the crucial elements of Rule 56;

B) The adduced facts show that Res Judicata has attached to the factual basis of the present action; and,

C) Relief of Plaintiff more properly lies with the U.S. Bankruptcy Court for the Middle District of Alabama, which retains the power to Order the Defendant to deliver Title to the Plaintiff given that Defendant is being duly paid for a services debt and not purchase price.

Malcolm R. Newman, Attorney, P.C.

/s/ Malcolm R. Newman
Malcolm R. Newman (NEW017)
Attorney for Plaintiff
P.O. Box 6137
Dothan, AL 36302
334-792-2132
ASB-2826-M39M

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2007, I have served a copy of the foregoing upon:

Joel P. Smith, Jr., Esq.
125 South Orange Avenue
Post Office Box 880
Eufaula, Alabama 36072

/s/ Malcolm R. Newman
Malcolm R. Newman